



Serial No. 10/578,578
Attorney Docket No. ASE.001
Request for Reconsideration Filed January 29, 2007

JPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket Number: ASE.001)

In the Application of:)
)
ERIKSEN, Andre Sloth) **Group Art Unit:** 3744
)
Application Serial Number: 10/578,578)
)
Date Filed: 5 May 2006) **Attention:** Henry C. Yuen, SPE
) Tech Center 3700
Title: Cooling System for Computer System)

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

**REQUEST FOR RECONSIDERATION OF DECISION ON PETITION TO
MAKE SPECIAL**

Applicant hereby requests reconsideration of the Decision On Petition To Make Special For New Application Under 37 CFR § 1.102 & MPEP § 708.02 (VII) (hereafter “the Decision”), dated January 5, 2007 in the above identified application, and again requests that the application be advanced out of turn for examination under the provisions of 37 CFR § 1.102(d).

Applicant notes that the Decision states that “[t]he requirements of MPEP § 708.02(VIII)(a) (c) and (d) are considered to have been met. However, the petition does not meet the requirements of MPEP § 708.02(VIII)(b) and (e).” (See, Decision at page 1, last paragraph).

In so concluding, the Office has established a new mark in its demand for literal regurgitation of specific MPEP-approved language and a particular form of presentation. Such demands are inconsistent with ongoing efforts to improve the throughput of applications in the Office. Applicant believes that the previously submitted Petition to Make Special meets the substantive requirements of relevant rules and procedures.

Nonetheless, applicant makes the following re-submission.

1. MPEP 708.02(VIII)(a) requires applicant to “[submit] a petition to make special accompanied by the fee set forth in 37 CFR § 1.17(h).” Consistent with the provisions of MPEP 708.02(VIII)(a), the \$130.00 fee required under 37 CFR § 1.17(h) was paid in conjunction with the petition to Make Special filed May 5, 2006 in the above identified application. Any additional fee required herewith may be deducted from Deposit Account No. 50-0238.

2. MPEP 708.02(VIII)(b) requires that applicant “[present] all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status.” Thus, pursuant to MPEP 708.02(VIII)(b), *applicant hereby states “that all pending claims are directed to a single invention and that, if the Office determines that all the claims presented are not obviously directed to a single invention, applicant will make an election without traverse as a prerequisite to the grant of special status.”*

As previously noted in the petition to Make Special filed May 5, 2006, the subject application is a United States national phase application made in relation to PCT Application No. PCT/DK2004/000775 filed on November 8, 2004. The subject application was filed with claims 1-69. However, during the international phase of the subject PCT application, claims 12-25 and 32-69 were cancelled and pending claims 1-11 and 26-31 were amended and renumbered 1-17.

The Preliminary Amendment filed May 5, 2006, in relation to the U.S. national phase application, cancelled all pending claims in favor of newly presented claims 70-88, the subject matter of which corresponds to amended and renumbered claims 1-17. As this set of claims contains only a single independent claim, the possibility of such claims being directed to more than a single invention seem rather farcical. Nonetheless, applicant faithfully addresses this remote possibility and hereby provides the requested statement.

3. MPEP 708.02(VIII)(c) requires applicant to

[submit] a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement if the claims in the corresponding foreign application are of the same or similar scope to the claims in the U.S. application for which special status is requested.

Consistent with the provisions of MPEP 708.02(VIII)(C), applicant submits that a pre-examination of this subject matter was made in the form of a December 12, 2005 PCT International Preliminary Report on Patentability, a copy of which was included with the petition to Make Special filed May 5, 2006. Applicant further submits a copy of the published version of the subject PCT application with an International Search Report. Additionally, the subject matter of the originally filed PCT claims were the subject of a private search initiated by the inventor. The results of these prior pre-examinations are reflected in an Information Disclosure Statement (IDS) filed previously.

4. MPEP 708.02(VIII)(d) requires applicant to “[submit] one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.” In satisfaction of MPEP 708.02(VIII)(D), a copy of each document identified in the attached IDS has previously been submitted with the petition to Make Special filed May 5, 2006.

5. MPEP 708.02(VIII)(e) requires that applicant “[submit] a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.” Relative to this requirement, the Decision states that “[t]he independent claim must be compared with *each* of twelve cited references, and the patentable novelty in the independent claim 70 relative to *each* reference must be clearly pointed out.” (See, Decision at page 2, second paragraph). The Decision also states, “[f]or example, the

applicant failed to explain *any* specific limitation in claim 70 not shown or taught by the cited patent documents.” (See, Decision at page 2, second paragraph, emphasis added).

The applicable regulations do NOT require that “a” specific limitation be explained. Applicant did, in fact, point out a combination of specific elements recited in claim 70 that distinguish claim 70 from the submitted references. Applicant’s statement in this regard was drawn to “the language of the claims” as required in MPEP 708.02(VIII)(e) and did not constitute a “general” allegation of novelty.

The Office pedantically objects to this grouping of references in relationship to the distinguishing combination of elements noted in the original Petition. Applicant while objecting to the *ultra virus* interpretation of the applicable regulation (which does little more than exalt form over substance), nonetheless provides herewith the requested pronouncements in the form requested:

(a) U.S. Patent No. 6,019,165 to Batchelder fails at a minimum to disclose, “an impeller mechanically integrated with a pump rotor,” as recited by claim 70. In contrast, Batchelder discloses, “rotor (32) has an extended cylindrical support for a permanent magnet (56), so that the magnet is maintained a small distance above the surface (26) of the active spreader plate, and so that the magnet (56) is rotated with the fan blades (34)... A rotatable impeller (54) inside the active spreader plate and immersed in the heat transfer fluid is motivated to rotate by the moving magnetic fields emanating from the magnet.” (See, Batchelder at column 5, lines 16-24).

(b) U.S. Patent No. 6,263,957 to Chen et al., fails at a minimum to disclose a “pump compris[ing] an impeller mechanically integrated with a pump rotor, wherein the impeller is submerged in the cooling liquid,” as recited by claim 70.

(c) U.S. Patent Pub. No. 2003/0151895 to Zuo fails at a minimum to disclose, “a pump . . . [comprising] an impeller mechanically integrated with a pump rotor, wherein the impeller is submerged in the cooling liquid,” as recited by claim 70.

(d) U.S. Patent No. 4,898,579 to Groshong et al., fails at a minimum to disclose, “[a] cooling system for a computer system processing unit, comprising: an integrated element and a heat radiator, wherein the integrated element comprises a heat exchanging interface, a reservoir, and a pump . . . [wherein] the heat exchanging interface is adapted to provide thermal contact between the processing unit and the cooling liquid,” as recited by claim 70.

(e) U.S. Patent No. 6,166,907 to Chien, fails at a minimum to disclose “the pump comprises an impeller mechanically integrated with a pump rotor, wherein the impeller is submerged in the cooling liquid,” as recited by claim 70.

(f) U.S. Patent Pub. No. 2004/0052049 to Wu et al. fails at a minimum to disclose a “reservoir comprising a plurality of channels adapted to direct flow of the cooling liquid across the heat exchanger.”

(g) U.S. Patent Pub. No. 2005/0061482 to Lee et al. fails at a minimum to disclose, a “pump compris[ing] an impeller mechanically integrated with a pump rotor, wherein the impeller is submerged in the cooling liquid,” as recited by claim 70.

(h) U.S. Patent Pub. No. 2004/0105232 to Ito et al., fails at a minimum to disclose at least the “the reservoir comprising a plurality of channels adapted to direct flow of the cooling liquid across the heat exchanger” as recited by claim 70.

(i) U.S. Patent No. 6,668,911 to Bingler fails at a minimum to disclose at least the “the reservoir comprising a plurality of channels adapted to direct flow of the cooling liquid across the heat exchanger” as recited by claim 70.

(j) U.S. Patent No. 6,749,012 to Gwin et al., fails at a minimum to disclose “an impeller mechanically integrated with a pump rotor,” as recited by claim 70.

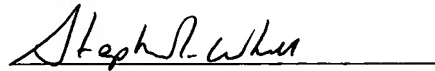
(k) U.S. Patent No. 6,725,682 to Scott fails at a minimum to disclose “the pump comprises an impeller mechanically integrated with a pump rotor, wherein the impeller is submerged in the cooling liquid,” as recited by claim 70.

(l) International Patent Pub. No. WO 01/25881 to Eriksen et al. fails at a minimum to disclose “a pump . . . the pump [comprising] an impeller mechanically integrated with a pump rotor, wherein the impeller is submerged in the cooling liquid,” as recited by claim 70.

In view of the foregoing additional submissions and statements, applicant requests reconsideration of the Petition to Make Special in the subject application.

Respectfully submitted,

Date: January 29, 2007



Volentine & Whitt, PLLC
Stephen R. Whitt
Reg. No. 34,753

Volentine & Whitt, PLLC
One Freedom Square
11951 Freedom Drive, Suite 1260
Reston VA 20190
Tel. 571.283.0720

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
ASE.001

In Re Application Of: Andre Sloth ERIKSEN

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/578,578	May 5, 2006	Henry C. YUEN	20987	3744	3450

Title: COOLING SYSTEM FOR COMPUTER SYSTEM

COMMISSIONER FOR PATENTS:

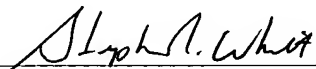
Transmitted herewith is:

Request for Reconsideration of Decision on Petition to Make Special

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **50-0238** as described below.
- ☐ Charge the amount of _____
- ☐ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature

Dated: January 29, 2007

STEPHEN R. WHITT
REG. NO. 34,753

VOLENTINE & WHITT, PLLC
ONE FREEDOM SQUARE
11951 FREEDOM DRIVE, SUITE 1260
RESTON, VA 20190
TEL. NO. 571-283-0720

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC: